

# Exhibit 2

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

DEMOCRACY NORTH CAROLINA; NORTH CAROLINA )  
BLACK ALLIANCE; LEAGUE OF WOMEN VOTERS )  
OF NORTH CAROLINA, )

Plaintiffs, )

-vs- )

ALAN HIRSCH, IN HIS OFFICIAL CAPACITY AS )  
CHAIR OF THE STATE BOARD OF ELECTIONS; )  
JEFF CARMON, III, IN HIS OFFICIAL CAPACITY )  
AS SECRETARY OF THE STATE BOARD OF ELECTIONS; )  
STACY EGGERS, IV, IN HIS OFFICIAL CAPACITY AS )  
MEMBER OF THE STATE BOARD OF ELECTIONS; )  
KEVIN LEWIS, IN HIS OFFICIAL CAPACITY AS )  
MEMBER OF THE STATE BOARD OF ELECTIONS; )  
SIOBHAN O'DUFFY MILLEN, IN HER OFFICIAL )  
CAPACITY AS MEMBER OF THE STATE BOARD OF )  
ELECTIONS; KAREN BRINSON BELL, IN HER )  
OFFICIAL CAPACITY AS EXECUTIVE DIRECTOR OF )  
THE STATE BOARD OF ELECTIONS; NORTH CAROLINA )  
STATE BOARD OF ELECTIONS, )

Defendants. )

-----)

VIDEOTAPED DEPOSITION

OF

SENATOR WARREN T. DANIEL

(Taken by Plaintiffs)

Raleigh, North Carolina

Wednesday, September 11, 2024

Reported in Stenotype by  
Lisa A. DeGroat, Registered Professional Reporter  
Transcript produced by computer-aided transcription

1 bill goes through the legislative process, you know,  
2 there's sort of a gleaning process, and I guess an  
3 amendment process that eventually gets to a bill that  
4 both chambers can agree upon.

5 Q. But how do you determine if after that  
6 process you've just described a bill will increase  
7 election integrity?

8 A. Well, for example, you know, in the current  
9 bill, 747, there are some provisions that deal with  
10 poll observers. And so I think one of the things that  
11 we felt -- or I felt, I would say, is that the more  
12 kind of public observation of an election is something  
13 that can enhance election integrity and also give the  
14 public confidence that, you know, they're not being  
15 excluded from the process.

16 Q. If the electorate doubts the results of an  
17 election based on false information, would you  
18 consider that an election integrity issue?

19 MR. STRACH: Objection.

20 You can answer that, if you can.

21 THE WITNESS: Can you repeat the  
22 question?

23 BY MS. KLEIN:

24 Q. I'll rephrase a bit.

25 If a significant number of voters doubts the

1 concerned about for years.

2 Q. Tell me more about legislators have been  
3 concerned about that for years. Can you talk to me  
4 about your own concerns, if you've had any?

5 MR. STRACH: Yeah, just -- just --  
6 Senator Daniel, just keep it to your thoughts.

7 THE WITNESS: Okay.

8 MR. STRACH: Not thoughts of other  
9 legislators.

10 THE WITNESS: Okay. So my concerns  
11 about same-day registration?

12 BY MS. KLEIN:

13 Q. Yes.

14 A. I think it's just the ability to verify --  
15 to verify that the voter is a resident of the precinct  
16 that they claim to be in, and that -- and that they  
17 should be registered in that precinct. It's just more  
18 difficult to ascertain the closer you get to the  
19 election and early voting.

20 Q. What about public statements of other  
21 legislators expressing concern, did any public  
22 statements of other legislators about same-day  
23 registration influence whether you thought it was  
24 important to include it in Senate Bill 747 in the  
25 filed version?

1 Do you recall seeing this, like, draft  
2 language at any point in time with the comments from  
3 Paul Cox? And this is on Bates ending in 658.

4 A. Not unless it made it into the bill. This  
5 would have been where Josh and Brent would have been  
6 saying we've gotten feedback from the Board of  
7 Elections, and we're reviewing it, and we'll make  
8 recommendations.

9 Q. Okay. All right. Here you'll see in the --  
10 you'll see in -- under bullet number one, Mr. Cox  
11 says, "We're concerned with the administer ability of  
12 the multiple ID provisions and the likelihood that it  
13 will make a lot of the traditional same-day  
14 registration population less likely to be able to use  
15 that feature."

16 "We have taken a stab at language which  
17 would directly address what we understand to be the  
18 problem, same-day registrants who fail mail  
19 verification."

20 Is Mr. Cox correct that the problem -- you  
21 know, the bill -- the bill -- this provision of the  
22 bill was seeking to address was some sort of problem  
23 with same-day registrants who fail mail verification?

24 A. I think that's what the provision is. And  
25 by -- by extension it's same-day registrants, who

1 might not be eligible to vote --

2 Q. So --

3 A. -- in that precinct or that county.

4 Q. So he does accurately identify the problem  
5 to be addressed, the same-day registrants who fail  
6 mail verification, and you're saying that's because  
7 you're equating those with people who are not eligible  
8 to vote; correct?

9 A. Yes.

10 Q. Okay.

11 A. At least in a lot of cases.

12 Q. "In a lot of cases."

13 Under this -- and he goes on to say, "Under  
14 this proposal the registrant would get one  
15 verification mailing. And if that is returned by the  
16 day before canvas, the county board would be  
17 instructed to retrieve and discount the ballot."

18 So -- and at the end, the last sentence, he  
19 says, "Importantly, it would directly address the  
20 population that fails mail verification, which is a  
21 fairly small population of same-day registrants, 1 to  
22 2% per attached stats."

23 Do you know what, if anything, was done  
24 after -- to Senate Bill 747 after Mr. Yost and  
25 Mr. Woodcox received this information from Paul Cox?

1 MS. KLEIN: Let's go off -- can we go  
2 off the record, so we can just confirm?

3 THE VIDEOGRAPHER: Off record at  
4 4:11 p.m.

5 (RECESS FROM 4:11 P.M. TO 4:13 P.M.)

6 THE VIDEOGRAPHER: On record at  
7 4:13 p.m.

8 BY MS. KLEIN:

9 Q. Senator Daniel, as part of your work,  
10 deciding whether to vote for the final version of  
11 Senate Bill 747 and spearheading that legislation on  
12 the senate side, did you develop any understanding of  
13 where young voters in North Carolina, what kind of  
14 residences they typically live in?

15 A. No.

16 Q. Okay. And same caveat. As part of your  
17 work on Senate Bill 747 and deciding whether to  
18 support that bill as it was finally drafted, did you  
19 develop any understanding of the challenges that young  
20 voters face in terms of access to reliable  
21 transportation?

22 A. No, but, you know, if you're talking about  
23 campuses, you know, there's -- if you're in -- on  
24 Duke University or UNC, there's campus transit.  
25 There's Durham transits. There's Uber.

1 I mean, you know, there's 100 ways somebody  
2 could get to -- you can do absentee -- no excuse  
3 absentee mailing -- or voting.

4 Q. So I'm going to -- I'm going to ask you a  
5 series of more questions. For every one of them I  
6 want you to limit it to, you know, did you develop an  
7 understanding in preparation for voting for Senate  
8 Bill 747 and finally approving it or as your role  
9 shepherding that legislation.

10 Did you develop an understanding of -- of  
11 any issues student face in the state of obtaining  
12 necessary documentation to prove residence for voting?

13 A. No.

14 Q. What about necessary documentation to  
15 satisfy the photo ID -- the voter ID requirement?

16 A. No.

17 Q. What about -- any understanding about how  
18 young voters vote? What -- by what methods they vote?

19 A. Not what percentage of types of method they  
20 use.

21 Q. What about the proportion of young voters  
22 among the broader electorate?

23 A. What percentage they are?

24 Q. Of registered voters. Yes.

25 A. No. I haven't looked at the statistics.



1 Q. What about their proportion of voter  
2 turnout?

3 A. No.

4 Q. Did you develop any understanding of, you  
5 know, demographic trends with young voters, as far as  
6 what race they're more likely to be as compared to  
7 older voters?

8 A. No.

9 Q. Did you -- you know, as part of your  
10 legislative work on Senate Bill 747 did you develop  
11 any concerns about student voting?

12 A. No.

13 Q. You know, as a general matter do you think  
14 that college students should be permitted to vote in  
15 their college community?

16 A. If they want to.

17 MR. STRACH: Objection.

18 Go ahead.

19 THE WITNESS: If they want to.

20 BY MS. KLEIN:

21 Q. You know, when you were working on Senate  
22 Bill 747, and as part of your work, did you think that  
23 election laws made it too easy for college students to  
24 vote?

25 A. No. That was never anything that we

1 considered.

2 Q. Did you have -- as part of that work did you  
3 have any greater concerns about fraud within, you  
4 know, large college campuses and student voters?

5 A. I didn't personally.

6 Q. Other than what other legislators have  
7 communicated to you, are you aware of other people  
8 having those concerns?

9 A. No, uh-uh.

10 Q. Okay. You know, as part of your work in  
11 developing Senate Bill 747 do you have any kind of  
12 understanding -- did you develop any kind of  
13 understanding of whether college students are capable  
14 of appreciating the issues that their, you know,  
15 community they're living in might need addressed  
16 before the legislature?

17 A. Can you restate the question?

18 Q. Sure.

19 As part of your work on Senate Bill 747 did  
20 you develop any understanding of whether college  
21 students are -- can appreciate the issues in their  
22 local community where they're going to school that  
23 might need to be addressed from the General Assembly?

24 A. I'm not sure I understand the question.

25 Q. Okay. I'll move on.

1 Did you -- as part of your work with Senate  
2 Bill 747 did you develop any concern that, you know,  
3 college students voting where they go to school might  
4 somehow undermine the representation of local  
5 residents in the community?

6 A. That wasn't something that I considered.

7 Q. It was not?

8 A. I didn't consider that.

9 Q. Are you aware that Cleta Mitchell has  
10 expressed some of these concerns publicly?

11 A. No.

12 Q. Are you aware that Cleta Mitchell has  
13 advocated reducing opportunities for on-campus voting  
14 in public?

15 A. Other than what's in the materials she sent  
16 us, I'm not really sure what she advocates for.

17 Q. Are you aware that Cleta Mitchell has  
18 advocated for making it more difficult for college  
19 students to vote?

20 A. No.

21 Q. With regard to that last e-mail that we just  
22 went over, which was Exhibit 40, that e-mail chain  
23 shows your law firm e-mail; correct?

24 A. Yes.

25 Q. How often do you use your law firm e-mail to

1           A.     The only -- I mean, Gov Ops was, obviously,  
2     working on this type of an issue.     So if there was any  
3     type of a study being done, they would have done it.

4           Q.     The house --

5           A.     No.

6           Q.     -- or --

7           A.     Just either side.

8           Q.     Either side.

9           A.     I can't remember if Gov Ops is a joint  
10    committee or not.

11          Q.     You would definitely know better than me.  
12    So I'm not going to opine on that one.

13                   Are you aware, you know, of any request for  
14    data from the North Carolina General Assembly about  
15    same-day voting in the -- that we haven't discussed in  
16    the lead-up to Senate Bill 747 being passed?

17          A.     Can you say that again?

18          Q.     Is there any study or data request on  
19    same-day registrations that you're aware of that we  
20    haven't discussed today that --

21          A.     Oh, no, not that we haven't discussed  
22    already.

23          Q.     And that includes, like, requests from the  
24    state board on that issue?

25          A.     No.

1 Q. You're not aware of anything we haven't  
2 discussed today?

3 A. No.

4 Q. Okay. And anybody else? You're not aware  
5 of any other study from a third party --

6 A. No.

7 Q. -- that we haven't discussed today?

8 Did you request any same-day registration  
9 data with any demographic breakdowns during the  
10 legislative process for Senate Bill 747?

11 A. No.

12 Q. Are you aware of whether anybody else did?

13 A. No, I'm not sure.

14 Q. Okay. So you didn't see any breakdown like  
15 that?

16 A. No, other than the comment that was made, I  
17 think, by Mr. Cox about -- just in this e-mail that I  
18 saw today.

19 Q. Did you request any -- from anyone data on,  
20 you know, how many same-day registrants will fail the  
21 first mail verification, but would fulfill the second  
22 one during the old version of the law?

23 A. No.

24 Q. What about data on registrants that failed  
25 both verifications, did you request any data on that



# **Presentation to House Oversight and Reform Committee June 22, 2023**

**Karen Brinson Bell, Executive Director**



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# Committee's Requested Presentation Topics

- North Carolina law, policy, and practice for same-day registration, voting, and verification
- North Carolina law, policy, and practice for voter record maintenance
- Presentation and explanation of voter election records online
- How a same-day registrant is added to the voter rolls and what happens to their vote, including the time it can take for each step of verification and confirmation
- Voter ID implementation plans for absentee voting by mail and in person, same-day registration, and election day voting
- Roles of observers during voting and vote tabulation
- Statistics from past elections of same-day registrations, their disposition on election day, on the official canvass, and on certification of election results, as well as the number of same-day registrations eventually accepted and rejected with reasons for that ultimate decision
- Policies and practices that can improve trust in elections
- State Board budget request/needs



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# Same-Day Registration in NC

- Enacted in 2007
  - Permits a voter to provide documentation of their residence and register to vote and vote at an early voting site. *(Additional step from non-SDR registrants.)*
- Ballot is retrievable
- Subject to mail verification process that all registrants go through
- Repealed in 2013 – US Court of Appeals struck down repeal in 2016
  - Explained in State Board Numbered Memo 2016-15
- Use of SDR by North Carolinians:
  - Mid-term years – 35,000 and 45,000 individuals
  - Presidential years – 100,000 to 120,000 individuals



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# Proof of Residence for Same-Day Registrant

This is an additional step compared to non-SDR registrants.

1. NC driver's license or other photo identification issued by a government agency
2. A copy of a current utility bill, bank statement, government check, paycheck, or other government document showing the voter's name and address
3. Documents issued by a college or university showing the student's on-campus housing address



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# Same-Day Registration Process

- Poll worker walks through process with voter, providing a “Notice” which states first the eligibility requirements.
- Voter fills out the registration application in front of the poll worker and provides proof of residence.
- Voter signs the attestation that they are eligible to vote under penalty of perjury.

10 Sign below to attest to your qualifications to vote.

**FRAUDULENTLY OR FALSELY COMPLETING THIS FORM IS A CLASS I FELONY UNDER CHAPTER 163 OF THE NC GENERAL STATUTES.**

I attest, under penalty of perjury, that in addition to having read and understood the contents of this form, that: (1) I am a United States citizen, as indicated above; (2) I am at least 18 years of age, or will be by the date of the general election; or I am at least 16 years old and understand that I must be at least 18 years old on the day of the general election to vote; I shall have been a resident of North Carolina, this county, and precinct for 30 days before the date of the election in which I intend to vote; (3) I will not vote in any other county or state after submission of this form and if I am registered elsewhere, I am canceling that registration at this time; and (4) I have not been convicted of a felony, or if so, I have completed my sentence (including any probation, post-release supervision, or parole).

X

Signature Required

Date

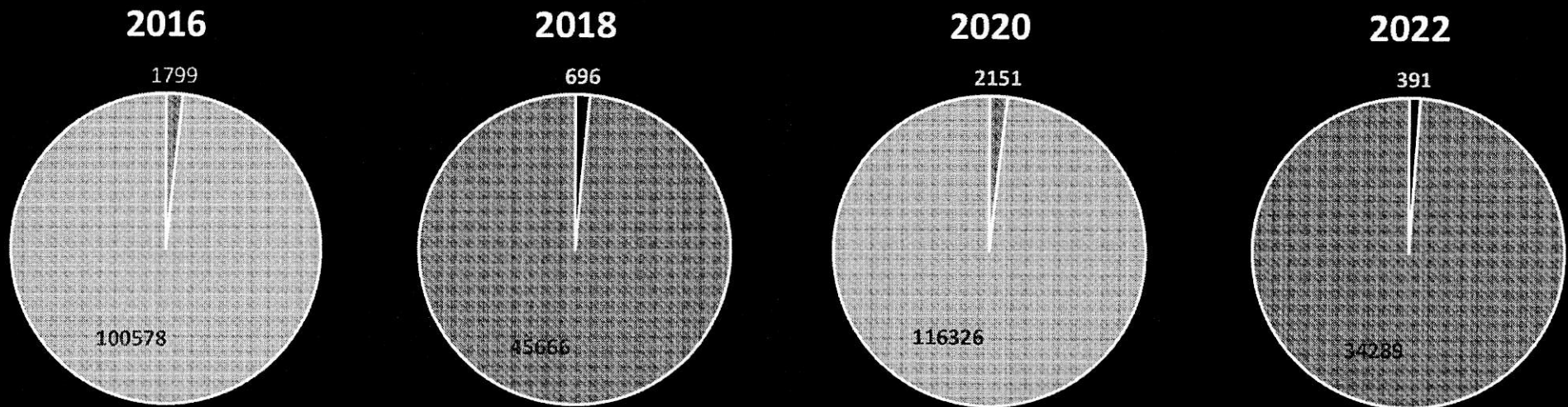


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# Same-Day Registration Mail Verification



Same-day registrants are mail-verified at a rate of 98-99% in recent elections



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# Voter List Maintenance

- Federal and state law require voter list maintenance to be **uniform** and **nondiscriminatory**
- G.S. 163-82.14 provides specific reasons for removing voters and procedures.
  - **Death** – monthly reports from DHHS via vital records
  - **Felony conviction** – daily feed from DAC, quarterly reports from US Attorneys
  - **Change of address** – daily feed of voters who cancel or change registration, biennial address confirmation process prescribed in federal/state law, twice yearly address confirmation using Postal Service change-of-address data
- County boards of elections regularly remove registrants for the reasons above



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# Voter List Maintenance

- North Carolina Voter List Maintenance Policy
  - [https://s3.amazonaws.com/dl.ncsbe.gov/Voter\\_Registration/North\\_Carolina\\_List\\_Maintenance\\_Policy\\_Updated\\_20230621.pdf](https://s3.amazonaws.com/dl.ncsbe.gov/Voter_Registration/North_Carolina_List_Maintenance_Policy_Updated_20230621.pdf)
- Procedures for county boards to follow to ensure uniformity and the minimization of errors
- Includes additional measures to remove ineligible voters or erroneous entries:
  - Duplicate registrant queries – 3 mechanisms to identify duplicates, including a new procedure we just rolled out
  - Procedures in addition to biennial mailing to initiate the address confirmation if a county board gets an undeliverable mailing
  - SBE sends county boards weekly reports identifying data errors/inconsistencies – numbers in names, possible confidential data in a public field, possible invalid DOB, possible invalid registration date



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# Election Records Online

**[ncsbe.gov/results-data](https://ncsbe.gov/results-data)**

- **Election Results** – unofficial and official tabulation of votes
- **Voter Registration data** – current voter-level registration records or snapshots of voter registration records across 15+ years
  - Includes group-level voter demographic counts or election-specific voter demographic counts over the last 20+ years.
- **Absentee files** – records of each absentee voter (*not the voter's ballot selections*), including absentee-by-mail ballot requests and one-stop ballots from the in-person early voting period, and demographic stats
- **Provisional files** – records of each provisional voter (*not voter's ballot selections*), including reasons for provisional voting, disposition, and demographic stats



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# Election Records Online (cont.)

[ncsbe.gov/results-data](https://ncsbe.gov/results-data)

- **Polling place data** – Election Day polling place data and one-stop early voting site data for current and past elections
- **Voter History data** – weekly-updated voter history data from over the past 10 years, or group-level, voter demographic counts for every election over the last 20+ years on this page
  - Voter history records a voter's participation in an election in our statewide database; this entry includes voter county, precinct, and voting method (*not voter's ballot selections*)
- **Voter Turnout data** – voter turnout across decades of primaries and general elections in U.S. presidential and non-presidential election years



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# Election Records Online (cont.)

**vt.ncsbe.gov**

- **Voter tools webpage** – dynamic web tools where the user submits a query and the system processes current results. Includes:
  - County board contact information and hours
  - Election Day polling place search
  - One-stop voting sites list/search
  - Petition search (status of petitions/signatures verified)
  - Provisional search (specific to the voter)
  - Voter registration statistics (snapshots of aggregate, countywide data)
  - Voter search (“find my registration”)



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# Voter ID Implementation

Ongoing/in progress efforts include:

- Website updates, social media posts, press releases, media availabilities
- Rulemaking for procedures for poll workers and county boards to follow
- Voter and polling place materials creation
- Training materials for poll workers
- Updates to absentee envelopes/instructions, voting forms
- Software development to insert photo ID processes into election management system used by all counties
- Software development for county boards to issue IDs from voter records and securely store photos
- Approval process for student & public employee IDs



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# Voter ID Implementation

All items below are contingent on new funds...

- Instructional videos for voters and poll workers
- Advertisements/PSAs for web, social media, print, radio, TV, billboards
- Mailings to all voters, targeted mailing to voters who lack DMV ID
- Additional ID printing machines for county boards to ensure all voters have access to free IDs
- State staff to do community outreach events
- Graphic designer contract to make more effective voter materials



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# Party Observers

- Appointed by political party
- Serve an important role of observing the process on behalf of their party
- ***Different*** from poll workers who are appointed by county boards upon recommendation of both county political parties.
  - Bipartisan poll workers are bound by law to carry out an impartial election and receive official training.
  - Observers take no oath and have partisan interests, are not trained by election officials.



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# Party Observers

- Shall do “no electioneering,” “shall in no manner impede the voting process or interfere or communicate with or observe any voter in casting a ballot,” but may “make such observation and take such notes as the observer may desire.” GS 163-45(c).
- May not: wear or distribute campaign material; enter voting booth area; approach voting equipment or poll workers stations close enough to view confidential info; position themselves to view confidential voter information on poll books or check-in laptops; position themselves to see the contents of voted ballots; board a vehicle containing curbside voters; provide voter assistance; or photograph, video, or record a voter without consent of the chief judge/one-stop manager, then the voter. 08 NCAC 20 .0101.



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# Efforts to Improve Trust in Elections

- Voter confidence campaign, *#YourVoteCountsNC*, launched in 2019
- Data transparency – most robust website in country, revamped in 2020 – [ncsbe.gov](https://ncsbe.gov)
- Social media campaign to dispel myths and educate voters
- Info on election security in the statewide judicial voter guide mailing
- County board education initiatives – Brunswick’s “expo,” Forsyth’s “election academy”
- Democracy Heroes – recruiting more people to become poll workers (*EAC award*)
- Recommend legislators and other local leaders attend county board of elections meetings, logic and accuracy testing, hand-eye sample recount, county canvass – all are open to the public
- Before you amplify misinformation (or simply misunderstand information), please reach out to election officials, state or local



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# Highlights of NCSBE Budget Request

## Nonrecurring Services

- \$6.5 million for Voter ID Implementation
- \$13.6 million for SEIMS and CF Modernization

## Recurring Services

- \$350,000 Absentee Ballot Portal
- \$50,000 Absentee Ballot Tracking
- \$300,000 Hosting County Access to Elections Applications

## Recurring NCSBE Personnel Needs

- 5 FTEs Regional SSTs \$422,063\*
- 1 FTE CISO \$225,000
- 2 FTEs Database Support \$317,085\*
- 1 FTE In-Person Voting Specialist \$84,412\*
- 2 FTEs Software Development \$268,345\*
- 2 FTEs IT Infrastructure \$234,137
- 1 FTE Web Manager \$100,472

\* Provides additional Voter ID Support



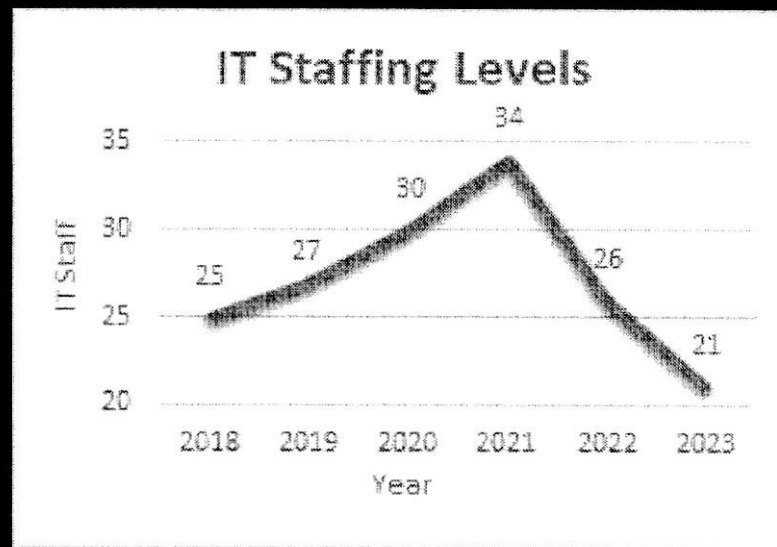
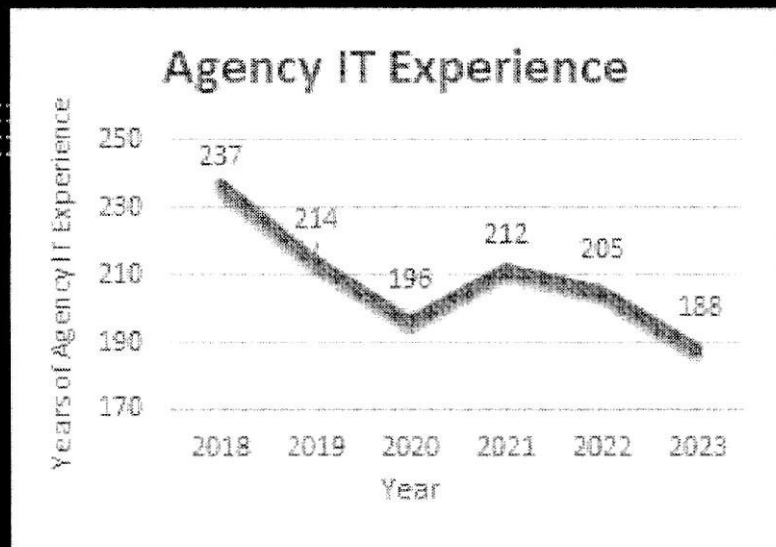
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## Criticality of Recurring NCSBE Personnel Funding

These figures show the loss of human capital and institutional knowledge in the agency's IT Division, which is responsible for maintaining the backbone of the operation of elections and campaign finance in NC. Stable, recurring funding of positions guards against loss of human capital and is key to maintaining critical information management systems and databases.



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# Funding for Voter ID Implementation

- FY2021-22: \$5 million for “a mobile program to assist individuals who need photo identification in order to vote in person.” *See* SB 105 (SL 2021-180), Jt. Conf. Comm. Rept., p. F 65.
- OSBM authorized carry forward of funds in 2022-23, if injunction on the photo ID law was dissolved.
- Request an expanded scope for \$5 million fund for additional photo ID implementation efforts.
  - public education
  - poll worker training
  - statewide and targeting mailings
  - county photo ID printing and a secure photo database
  - training materials for the nearly 3,000 voting sites across the State
- An additional \$1.5 million appropriation to the fund would support full photo ID implementation over the biennium



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# Funding for SEIMS and CF Modernization

- **NR, Information Technology Reserve \$13,606,411**
  - \$8,492,592.29 for SEIMS Modernization
  - \$5,113,818.75 for Campaign Finance Modernization
- Software suite & supporting databases; backbone of every election process and campaign finance reporting
- Developed starting in 1998; antiquated, inefficient, and vulnerable to defects
- 800+ users, mostly at county level
- Completely state funded
- Multiyear capital improvement project; contract project-specific teams for build & cross-training



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Questions?



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